

Remarks

Claims 1, 2, 28 and 29 were pending in this application. By this amendment claim 28 is amended to include the word “sequence” after the word ‘DNA’ in the second to last line of the claim. Support for this amendment can be found in Claim 28, line 9. This amendment is made to make a proper antecedent basis. No new matter has been added by this amendment. Upon entry of this amendment, claims 1, 2, 28 and 29 will be pending before the Examiner.

112 Rejection - Enablement

Claims 28-29 have been rejected under 35 USC 112, first paragraph as being non-enabling for plastid transformation vectors other than vectors for transforming tobacco. This rejection is respectfully traversed.

Applicants have previously argued that the present claims are fully enabled for vectors that can transform all plants and pointed to the passage in the Specification at page 16, lines 6-19 relating to the universal plastid expression/integration vector. Applicants reiterate that argument and additionally point the Examiner to the following section in the Specification where the Guy's 13 gene was inserted into **both** the pZS vector (a tobacco specific vector) and the pLD vector which is a **universal vector**. See page 18, lines 1-9. Both of these vectors were used to successfully transform tobacco plants. Regenerated plants were confirmed to contain both the pLD vector (page 20, lines 10-22) and the pZS vector (page 20, line 24 to page 21, line2). In view of the fact that the pLD vector contains flanking regions that are highly conserved in plants that vector is useful in transforming any plant species as taught in the Specification.

In view of the above it is respectfully requested that the present 112, 1st paragraph rejection be withdrawn.

112 Rejection – Lack of Antecedent Basis

Claims 28 and 29 have been rejected for Claim 28 not having an antecedent basis for the term “said heterologous DNA.” This rejection is deemed moot on view of the above amendment to Claim 28 where the objected term has been changed to “said heterologous DNA sequence.” Antecedent basis for this term can be found earlier in Claim 28 at line 9. Withdrawal of this rejection is respectfully solicited.

103 Rejection

Claims 1, 2, 28 and 29 have been rejected under 35 USC 103(a) as being unpatentable over McBride *et al.* in view of Mayfield *et al.* and further in view of Christou *et al.* This rejection is respectfully traversed.

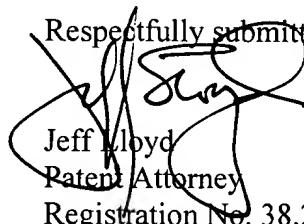
The present can not be maintained because the Christou *et al.* reference teaches away from the present invention. Christou *et al.* teach at page 1, paragraph 0008 that "no measurable expression of antibody molecule was found in the rice calli using a construct without a leader peptide sequence." Christou *et al.* teach nuclear transformation with a chloroplast targeting peptide. All of the present claims are directed to vectors or methods for plastid transformation. The fact that no measurable antibody was detected when constructs were used that had no leader peptide sequence would teach away from the present claims because no leader peptide sequence is used in chloroplast transformation. For this reason it is respectfully requested that the present 103 rejection be withdrawn.

Applicants respectfully request reconsideration of the pending claims in view of the above amendments. Applicants believe all claims pending are in condition for allowance, which action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Jeff Lloyd
Patent Attorney

Registration No. 38,261

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: P.O. Box 142950

Gainesville, FL 32614-2950

JL/amh